

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORNEL JACKSON,

Plaintiff,

v.

POUGE, *et al.*

Defendants.

No. 1:24-cv-01027-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART

(Doc. 11)

Plaintiff Cornel Jackson is a pretrial detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 12, 2025, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations that this action be dismissed for failure to state a cognizable claim upon which relief may be granted. Doc. 11. Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed withing 14 days after service. *Id.* at 9. Plaintiff's timely objections, dated May 25, 2025, were filed on June 9, 2025. Doc. 12.

In the objections, plaintiff primarily asserts his disagreement with the findings and recommendations based on the allegations in the first amended complaint. Plaintiff's mere disagreement does not provide a basis for rejecting the findings and recommendations. To the

1 extent plaintiff argues that his original complaint contained more factual detail on which a
2 cognizable claim should have been found, plaintiff was advised in the magistrate judge's
3 March 19, 2025 screening order "that an amended complaint supersedes the original complaint,"
4 *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012), and the amended complaint must be
5 "complete in itself without reference to the prior or superseded pleading." Doc. 8 at 15.
6 Plaintiff's failure to include certain factual allegations from his initial complaint in his first
7 amended complaint provides no grounds to undermine the findings and recommendations.
8 However, in light of plaintiff's arguments, the Court will permit plaintiff one **final** opportunity to
9 amend his complaint. **Plaintiff is notified that an amended complaint supersedes**
10 **the prior complaint and his further amended complaint must state all his allegations and be**
11 **complete in itself, without reference to the prior pleading.**

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
13 novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the
14 Court finds the findings and recommendations to be supported by the record and by proper
15 analysis.

16 Accordingly:

- 17 1. The findings and recommendations issued on May 12, 2025, Doc. 11, are adopted
18 in part;
- 19 2. Plaintiff's First Amended Complaint is dismissed for failure to state a cognizable
20 claim upon which relief may be granted;
- 21 3. Plaintiff may file a Second Amended Complaint within 30 days of the date of this
22 Order;
- 23 4. **If plaintiff fails to timely file a Second Amended Complaint, this action may**
24 **be dismissed without further notice; and**

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1 5. This matter is referred back to the assigned magistrate judge.

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4 IT IS SO ORDERED.

5 Dated: September 14, 2025


UNITED STATES DISTRICT JUDGE